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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08,100,019 07/30/93 TRICE

6 TRICE 201LH

MM61/0811

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TARRYTOWN NY 10591-5144

EXAMINER
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TUCOILLUN

ART UNIT	PAPER NUMBER
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2851

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DATE MAILED:

08/11/98

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 6-26-98

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-8 AND 10-17 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-8 AND 10-17 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on 2-20-97 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

SEE OFFICE ACTION ON THE FOLLOWING PAGES

Art Unit: 2101

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claims 7 and 15 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant's claimed feature of having 'each second exposed portion in the package already being developed', lacks an enabling disclosure in the specification. It is not understood, or discussed in Applicant's specification, how a 35mm or Polaroid/instant type film is partially developed without also developing the area of the photographic film utilized for later recording. Correction, clarification or deletion of the claimed subject matter is required.

Claims 9-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claims 9-16, line 2 of claim 9 creates an indefinite and confusing hybrid claim, making the true nature and scope of Applicant's device for which protection is being sought, uncertain. Correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6, 8-11, 14 and 16 are rejected under 35 U.S.C. § 102(b) as being anticipated by either Ames('953) or Guez('291). With respect to claims 1-3, 6, 8-11, 14 and 16, Ames and Guez each disclose all aspects of said claims. Applicant should note that both Ames (4, line 107 through column 5, line 8) and Guez (column 10, line 30 through column 11, line 67) each disclose photographic film containing frames which have a previously exposed 'border' area, as well as an unexposed portion for future image recording.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 12 and 13 are rejected under 35 U.S.C. 102(b) as anticipated by either Ames('953) or Guez('291) or, in the alternative, under 35 U.S.C. 103(a) as obvious over either Ames('953) or Guez('291) in view of Jones('471). With respect to claims 4, 5, 12 and 13, Applicant states that, 'the package is of instant developing film'. Interpreted broadly, all film which is subjected to, and capable of, developing immediately or soon after exposure can be considered to be 'instant developing film', and therefore Ames

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and Guez disclose all aspects of said claims. Alternatively, however, if Applicant's claim language is read as specifically referring to Polaroid type film, then Ames and Guez disclose all aspects of said claims with the exception of specifically disclosing the use of Polaroid type film. Jones, however, does disclose just such Polaroid type film which utilizes masks for creating decorative borders around an object to be photographed. Given that Ames, Guez and Jones each disclose devices of a similar form and function, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Jones' teaching of utilizing masks to create decorative borders, in conjunction with Ames' and Guez's teaching of masks for the creation of pre-exposed borders on photographic film, for the purposes of providing instant Polaroid type film with a myriad of decorative border options, where said borders have already been exposed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final

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\*\*\* NOTICE \*\*\*

**GROUP 2100 PILOT AFTER FINAL FACSIMILE PROGRAM**

Applicant(s) is/are encouraged to respond to this Office action directly to Group 2100 by facsimile transmission at (703) 305-3431 or (703) 305-3432. The facsimile transmission service is provided as part of Group 2100's Quality Service After Final program to improve communication with our customers. If this service is utilized please use the attached Group 2100 cover sheet. A confirmation copy should not be mailed to the Patent and Trademark Office, see 37 CFR 1.6(d) and 1.8(b).

**ANY AMENDMENT OR REQUEST FOR RECONSIDERATION IN RESPONSE TO THIS FINAL OFFICE ACTION THAT IS MAILED SHOULD BE DIRECTED TO:**

**Commissioner of Patents and Trademarks  
BOX AF  
Washington, D.C. 20231**

*By addressing all After Final Office action responses to the above address, processing time of the responses is reduced. This will result in more timely responses by the Office and should result in fewer requests for extensions of time.*

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The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure and is supplied for Applicant's information.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas J. Tuccillo whose telephone number is (703) 308-1691. The examiner can normally be reached Monday - Thursday until 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. The fax phone number for this Group is (703) 305-3431.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1782.

  
NJT

October 12, 1997

  
SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
GROUP 2100